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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,113	12/17/1999	JAMES P. KETRENOS	ITL.0248US	9791
21906 7590 02/23/2007 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER MIRZA, ADNAN M	
			ART UNIT 2145	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS			MAIL DATE 02/23/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/466,113	<b>Applicant(s)</b> KETRENOS ET AL.	
	<b>Examiner</b> Adnan M. Mirza	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being un patentable by Eagle et al (US, 6,513,048).

As per claims 1,8,17 Eagle disclosed a method comprising: receiving a request for a portion of a file system by a client (col. 2, lines 61-63) identifying whether the portion is stored in a first location associated with portions of the file system that have been previously stored by the client (col.2, lines 36-64); determining whether the portion is stored in a second location associated with portions of the file system that were streamed to the client by a server (col. 5, lines 46-59).

4. As per claim 2,15 Eagle disclosed further comprising retrieving the portion from the server if not stored in the second location (col. 7, lines 65-67 & col. 8, lines 1-4).

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5. As per claim 3,13 Eagle disclosed wherein identifying further comprises associating portions of the file system used by the client during start-up with the first location (col. 7, lines 11-16).

6. As per claims 4,14,19 Eagle disclosed wherein determining further comprises associating the second location with portions of the file system that were streamed to the client using a multicast operation (col. 6, lines 54-66).

7. As per claims 5,22,23 Eagle disclosed wherein associating further comprises: monitoring accesses to a plurality of portions of the file system during start-up; retrieving the plurality of portions from the file system; and storing the plurality of portions in the first location (col. 6, lines 54-66).

8. As per claim 6,20,21 Eagle disclosed wherein associating further comprises: retrieving a plurality of portions from the file system using multicasting; and storing the plurality of portions in the second location (col. 6, lines 54-66).

9. As per claim 7,24 Eagle disclosed further comprising waiting for the portion to be streamed to the client if not stored in the second location (col. 6, lines 54-66).

10. As per claim 9 Eagle disclosed wherein the first location is a non-volatile storage medium (col. 3, lines 11-27).

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11. As per claim 10,18 Eagle disclosed wherein the non-volatile storage medium is a flash memory device (col. 3, lines 11-27).

12. As per claim 11 Eagle disclosed wherein the second location is a volatile storage medium (col. 3, lines 11-27).

13. As per claim 12 Eagle disclosed wherein the volatile storage medium is a memory device (col. 3, lines 11-27).

14. As per claim 16 Eagle disclosed wherein the contents of the second location are procured as a background operation (col. 2, lines 57-64)

### ***Response to Arguments***

15. Applicant's arguments filed 12/13/2006 have been fully considered but they are not persuasive. Response to applicant's arguments is as follows.

Applicant argued that cited reference does not teach, “ stores portions of a file system streamed to the client in one location and portions that have been previously stored in another location. Second, the reference must teach identifying which of these two situations apply to a given stored portion”.

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As to applicant's argument Eagle disclosed, "Client file retriever/provider passes the name of the file to mainframe file retriever/provider passes the name of the file to mainframe file retriever/provider which retrieves the portion of the file in mainframe file storage using operating system. Mainframe file retriever/provider returns the portion of the file, via the reverse path used to send the request, to client file retriever/provider. The portion of the file may be less than all of the file, and the file may be converted, as described in copending application Ser No. 09442018. Client file retriever/provider provides the portion of the file or a handle to the portion of the file stored in memory or disk to UNC provider/mapper. UNC provider/mapper provides the portion of the file or handle it receives to operating system (col. 7, lines 32-45).

### ***Conclusion***

**16. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

18. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

AM

Adnan Mirza

Examiner

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER